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09/812,488	03/20/2001	Barry Paul Pershan	Verizon-3APP	3812

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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,488

Applicant(s)

PERSHAN, BARRY PAUL

Examiner

Bing Q Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5 and 10-40 is/are rejected.
- 7) ☐ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-40 are pending in the present application for examination.

Claim Objections

2. Claims 27 and 28 are objected to because of the following informalities: the recited claims are exactly identical; either one of these claims should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2, 10-11 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by McCalmont (US Pat. No. 6,215,865).

Regarding claim 1, McCalmont teaches a method of providing a communications service in a system including a calling party, a first receiving party having a first computer and a first telephone device; and a second receiving party having a second computer and a second telephone device (see Fig. 1, telephones 124s and work stations 120s), the method comprising:

detecting a hook flash (see col. 11, Ins 1-15);

in response to detecting a hook flash, transmitting call related data, at least some of which was previously provided to the first computer, to the second computer (see col. 2, In 52-col. 3, In 26); and

establishing a voice connection between the calling party and the second telephone device (see col. 11, Ins 46-54).

Regarding claim 2, McCalmont further teaches the call related data includes sales information (see Figs 5-6 and col. 8, Ins 44-61).

Regarding claim 10, McCalmont further teaches the step of transmitting call related data to the second computer includes:

operating a server to receive a telephone number from the first receiving party (see Fig 4A and col. 11, Ins 1-34);

operating the server to look-up an address of the second computer from the received telephone number (see Figs 4A-4B and col. 11, In 1-col. 12, In 20); and

generating a message to the second computer including said address and said call related data (see Figs 4A-4B and col. 11, In 1-col. 12, In 20).

Regarding claim 11, McCalmont further teaches the step of transmitting the generated message to the second computer using a communications network which support Internet Protocol communications (see Figs 4A-4B and col. 11, ln 1-col. 12, ln 20).

Regarding claim 15, McCalmont further teaches the step of establishing a voice connection between the calling party and the second telephone device includes determining the status of a telephone line coupled to the second telephone device (see Figs 4A-4B and col. 11, ln 1-col. 12, ln 20).

Regarding claim 16, McCalmont further teaches the step of determining the status of the telephone line includes operating a serve to determine the status of said telephone line from the second computer, the second computer being coupled to the second telephone device (see Figs 4A-4B and col. 11, ln 1-col. 12, ln 20).

5. Claims 18-19, 21-22, 24-26, 29-32 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Rao et al (US Pat. No. 5,583,564), herein after referred as Rao.

Regarding claim 18, Rao teaches communications method, the communications method comprising:

transmitting a monitor for change message to a telephone switch, the monitor for change message including a first telephone number (see col. 3, ln 40-col. 4, ln 64);

operating the telephone switch to determine the status of a telephone line corresponding to the first telephone number (see col. 3, ln 40-col. 4, ln 64); and

controlling the telephone switch to perform a call routing operation as a function of the determined telephone line status (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 19, Rao further teaches the step of controlling the telephone switch includes establishing a call using the first telephone number if it is determined that the telephone line corresponding to the first telephone number is not busy (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 21, Rao further teaches the step of:

operating the telephone switch to supply the determined line status to a service control point (see col. 3, ln 40-col. 4, ln 64); and

wherein the step of controlling the telephone switch to perform a call routing operation includes operating the service control point to provide a second telephone number to the telephone switch to be used in said call routing operation if the determined line status indicates that said telephone line is busy (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 22, Rao further teaches the step of controlling the telephone switch to perform a call routing operation further includes: operating the service control point to receive the second telephone number from a server including automated call distribution functionality (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 24, Rao further teaches prior to transmitting a monitor for change message, setting a hook flash mid-call trigger at the telephone switch on a telephone line (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 25, Rao further teaches:

receiving the first telephone number over said telephone line (see col. 3, ln 40-col. 4, ln 64); and

in response to the hook flash mid-call trigger being activated, sending the first telephone number to a service control point (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 26, Rao further teaches:

operating the service control point to generate said monitor for change message (see col. 3, In 40-col. 4, In 64); and

wherein the step of transmitting a monitor for change message to the telephone switch includes operating the service control point to transmit the monitor for change message including the first telephone number to the telephone switch (see col. 3, In 40-col. 4, In 64).

Regarding claim 29, Rao teaches a communications system, comprising:

service control point including instructions to transmit a monitor for change message to a telephone switch, the monitor for change message including a first telephone number and including instructions to control initiation of a call as a function of telephone line status information received in response to the monitor for change message (see col. 3, In 40-col. 4, In 64); and

a telephone switch including means for processing monitor for change messages, said means operating to control the telephone switch to determine the status of a telephone line corresponding to the first telephone number (see col. 3, In 40-col. 4, In 64).

Regarding claim 30, Rao further teaches the telephone switch includes:

means for setting a hook flash mid-call trigger on a telephone line (see col. 3, In 40-col. 4, In 64); and

means for transmitting a telephone number received by the switch to the service control point in response to activation of the hook flash mid-call trigger (see col. 3, In 40-col. 4, In 64).

Regarding claim 31, Rao further teaches the instructions to transmit a monitor for change message are stored in a call processing record (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 32, Rao further teaches a server including automated call distribution functionality coupled to said service control point (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 37, Rao further teaches communications system including:
a server including information on a plurality of telephone service subscribers, the information for each of the plurality of telephone service subscribers including a telephone number associated with the telephone service subscriber and a communications address corresponding to a computer used by the telephone service subscriber (see col. 3, ln 40-col. 4, ln 64);

a service control point including a call processing record for each of at least some of the plurality of telephone service subscribers for which information is stored in the server, the service control point being coupled to the server by a first communications network (see col. 3, ln 40-col. 4, ln 64); and

a telephone switch coupled to the service control point and to at least one telephone device associated with a telephone service subscriber, the telephone switch having a hook flash mid-call trigger set on at least one telephone line associated with a telephone service subscriber for which information is stored in said server (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 38, Rao further teaches at least one of the call processing records stored in said service control point includes instructions for sending a monitor for change message to said telephone switch in response to receiving a message from said telephone switch indicating that the hook flash mid-call trigger was activated (see col. 3, ln 40-col. 4, ln 64).

Regarding claim 39, Rao further teaches communications system, the communications system including:

a telephone switch having a hook flash midcall trigger set on a telephone line (see col. 3, ln 40-col. 4, ln 64); and

a service control point coupled to the telephone switch, the service control point including a call processing record, the call processing record including instructions to send a monitor for change message to said telephone switch in response to the service control point receiving a message from said telephone switch that was generated in response to activation of said hook. flash midcall trigger (see col. 3, ln 40-col. 4, ln 64).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5, 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCalmont (US Pat No. 6,215,865) in view of Rao et al (US Pat. No. 5,583,564), herein after referred as Rao.

Regarding claim 3, McCalmont teaches the invention substantially as claimed, with the exception of providing the step of detecting hook flash includes operating a telephone switch coupling the calling party to the first telephone device by a telephone line to monitor

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the telephone line for a hook flash. However, Rao teaches the step of detecting mid-call trigger includes operating a telephone switch coupling the calling party to the first telephone device by a telephone line to monitor the telephone line for a mid-call trigger (see col. 3, ln 62-col. 4, ln 8). Therefore, integrating Rao's teachings into call processing system of McCalmont would have been obvious for processing the call faster and fulfilling the called party desired instructions.

As to claims 4-5, they are rejected for the same reasons set forth to rejecting claim 3.

Regarding claim 12, McCalmont teaches the invention substantially as claimed, with the exception of providing intelligent component for forwarding the call. However, Rao provides a SCP and related intelligent components for forwarding the call similar McCalmont's process (see col. 3, ln 62-col. 4, ln 8). Therefore, integrating Rao's teachings into call processing system of McCalmont would have been obvious for processing the call faster and fulfilling the called party desired instructions.

As to claims 13-14 and 17, they are rejected for the same reasons set forth to rejecting claim 3.

8. Claims 20, 23, 27, 33-36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al (US Pat. No. 5,583,564) in view of McCalmont (US Pat No. 6,215,865).

Regarding claim 20, Rao teaches the invention substantially as claimed, with the exception of providing the step of transmitting call related data to a computer identified as being associated with the first telephone number. However, McCalmont teaches the step of

transmitting call related data to a computer identified as being associated with the first telephone number (see col. 10, lns 21-67). Therefore, integrating McCalmont's teachings into call processing system of Rao would have been obvious for enabling the called party to handle the call effectively.

As to claims 23 and 27, they are rejected for the same reasons set forth to rejecting claim 20.

Regarding claim 33, Rao teaches the invention substantially as claimed, with the exception of providing:

a first computer system coupled to the server by a network which supports Internet Protocol communications; and

a first telephone device coupled to said telephone switch and said first computer system, the computer system including a telephone application programming interface interfacing with said first telephone device.

However, McCalmont teaches a first computer system coupled to the server by a data network (WAN) which supports Internet Protocol communications; and a first telephone device coupled to said telephone switch and said first computer system, the computer system including a telephone application programming interface interfacing with said first telephone device (see Fig 1 and col. 4, lns 16-67). Therefore, integrating McCalmont's teachings into call processing system of Rao would have been obvious for providing more flexibility in communication.

As to claims 34-36 and 40, they are rejected for the same reasons set forth to rejecting claim 33.

Allowable Subject Matter

9. Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,422,942

U.S. Pat. No. 5,590,187

U.S. Pat. No. 5,796,812

U.S. Pat. No. 5,937,051

U.S. Pat. No. 6,038,293

U.S. Pat. No. 6,366,661

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

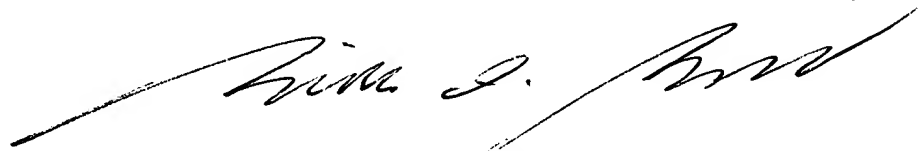
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response "EXPEDITED

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PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Feb 08, 2004

A handwritten signature in black ink, appearing to read "Bing Bui", written in a cursive style.

**BING BUI
PATENT EXAMINER**